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S. N. 10/708,898

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Subject:	Claim Clarification

Date: 12/20/04

Subject: Rejection for the Application 10/708,898.

Dear Mr. Miska,

I received the rejection letter and would like to clarify some points.

I think, I was not clear in explaining some of the features of my invention and I apologize for that. I hope my description given below makes it clearer than before.

Claims 1,2,3 and 5 mention preset buttons. Allow me to explain their function. The preset buttons will immediately set the time shown by their respective labels. For example, pressing 30 will immediately display 30 seconds, pressing 90 will display 90 seconds, etc. So, when I say preset, I mean that they have **preprogrammed** (dedicated) value associated with them. This is the key feature of the invention that the 4 buttons have dedicated time associated with them, and ready for use from the moment the unit is turned on. I use values of rest times of 30 seconds, 60 seconds, 90 seconds and 120 seconds, which were recommended in literature and have several of them immediately and easily available to the people who exercise. Not everyone is technically savvy to follow the setup procedure offered by Kelsey patent. Kelsey device has a **complicated setup** and is for a technically savvy user. Kelsey device does have ability to set a time and store it, but it requires technical skill to work with the device and operation of several buttons, 22,24,26, 34, 18,28 and 36 – 7 buttons operation. My device has the several popular values dedicated to separate buttons, so the user only has to press the rest time he/she desires and press start – 2 buttons operation.

Perhaps, I should have used words "preprogrammed" or "dedicated" instead of "preset" , in order not to confuse the operations.

Claim 7 covers labeling of the buttons. It is important to indicate which button does what. Kelsey device does not show any labeling and make it difficult to use.

Claims 6 covers usage of a low power microprocessor, LCD and a program with energy saving feature. Kelsey mentions usage of a battery, however, nowhere he mentions battery lifetime relative to a framework of his design. Using LED displays, as he does, will draw the battery in a matter of hours. For example, one LED display draws about 5mA, six 7-segment LED displays in Kelsey patent make it 30 mA. Average AAA battery has 600mAhours. This comes out to about 20 hours of battery lifetime. And this is calculation does not include the power-hungry electronic components used in Kelsey design. My invention uses LCD, low power microprocessor and a **special power saving program** and draws only 25 microamperes total (measured), which with the above AAA battery comes out to 24,000 hours.

In claim 9, I state that the unit is always on and does not use a power switch. Kelsey device needs a power switch, because if it used a battery, the device would have to be

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turned off to conserve battery power, but this creates inconvenience in device usage. The inconvenience is in the fact that a switch has to be used and the bigger inconvenience is that al the data is lost since Kelsey does not mention use of any non-volatile memory. Now, if he uses AC power, this makes the device impractical for usage in fitness clubs, because AC outlet has to be found and power cord run to it. Running a power cord is a hazard for such an active place as a fitness club. My invention has a long battery lifetime so it does not need a power switch or power cords. Since it does not need power cords, it can be conveniently attached to a frame of any fitness club equipment.

In claim 3 one line item is "Ability to set custom time". Kelsey requires separate buttons 22 and 24 to set minutes and seconds. My invention uses Up/Down buttons, where pressing either one will change both - minutes and seconds. So, pressing just Down button will change both minutes and seconds, and with rollover feature is the only button that is needed to set the custom time. The same goes for the Up button.

I hope my explanations were clear.

I appreciate your time and attention,

Vladimir Gershman